

disclosing all changes in the membership or planned activities.

Constance K. Robinson,

Director of Operations, Antitrust Division.

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National Cooperative Research Notification; Southwest Research Institute: Diesel Particulate/NO subx Aftertreatment Using Plasma or Corona Discharges Cooperative Research Project

Correction

In notice document 95-27944 appearing on page 57022-04 in the issue of Monday, November 13, 1995 make the following correction:

In the first paragraph, in the first line "July 24" should read "August 14".

Constance K. Robinson,

Director of Operations, Antitrust Division.

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Notice Pursuant to the National Cooperative Research and Production Act of 1993 Specialty Metals Processing Consortium, Inc.

Notice is hereby given that, on October 30, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* ("the Act"), the Specialty Metals Processing Consortium ("SMPC") filed notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in membership. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Oregon Metallurgical Corporation, Albany, OR has joined SMPC; and the following members have withdrawn from SMPC: Allied-Signal Aerospace Company, Garrett Engine Division, Phoenix, AZ; Cyclops Corporation, Cytemp Specialty Steel Division, Titusville, PA; Howmet Corporation, Alloy Division/Plymouth Plant, Plymouth, MI; United Technologies Corporation, Pratt and Whitney Division, Hartford, CT; and Precision Rolled Products, Inc., Reno, NE. No other changes have been made in either the membership or the planned activity of the joint venture.

On August 7, 1990, SMPC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(a) of the

Act on September 17, 1990 (55 FR 38173). The last notification was filed on January 28, 1991. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on February 19, 1991 (56 FR 6686).

Constance K. Robinson,

Director of Operations, Antitrust Division.

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Drug Enforcement Administration

[Docket No. 95-13]

Dinorah Drug Store, Inc.; Grant of Application

On December 12, 1994, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Dinorah Drug Store, Inc., (Respondent) of Hialeah, Florida, notifying it of an opportunity to show cause as to why DEA should not deny its application for registration as a retail pharmacy under 21 U.S.C. 823(f) and 824(a)(5). Specifically, the Order to Show Cause alleged that:

(1) Between May and June 1991, while doing business as Dinorah Pharmacy Corporation (Dinorah Pharmacy), its owner Luz B. Abad unlawfully sold samples and complimentary packages of non-controlled drug products to Medicaid recipients, and submitted claims for payment to the Florida Medicaid Program.

(2) On June 4, 1992, in the Eleventh Judicial Circuit of Florida (Dade County), Dinorah Pharmacy and Luz B. Abad pled guilty to one felony count of selling samples or complimentary packages of drug products. Dinorah Pharmacy and Ms. Abad were ordered to pay court costs, fines and to reimburse the State of Florida Office of the Auditor General for investigative cost.

(3) On February 24, 1993, Dinorah Pharmacy was notified by the Department of Health and Human Services of its five-year mandatory exclusion from participations in the Medicare program pursuant to 42 U.S.C. 1320a-7(a). Such exclusion constitutes a basis for the denial of [the Respondent's] application for DEA Certificate of Registration.

Pursuant to a telephone conference on August 31, 1995, with Administrative Law Judge Paul A. Tenney, the parties agreed to accept a decision based upon an agreed statement of facts. The statement of facts was to consist of the prehearing statements submitted by each party, and any exhibits that the parties timely submitted consistent with those statements. It was also stipulated that Ms. Luz B. Abad is the predominant owner of the Respondent, Dinorah Drug Store, Inc. (Dinorah Drug Store). Subsequently, the Government

submitted ten exhibits and each party submitted proposed findings of fact, conclusions of law, and argument.

On October 11, 1995, Judge Tenney issued his Findings of Fact, Conclusions of Law and Recommended Ruling, recommending that the Respondent's application for registration be granted. Neither party filed exceptions to his decision, and on November 16, 1995, Judge Tenney transmitted the record of these proceedings to the Deputy Administrator.

The Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator adopts, in full, the Findings of Fact, Conclusions of Law, and Recommended Ruling of the Administrative Law Judge, and his adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Deputy Administrator finds that Ms. Luz Abad is licensed as a pharmacist with the Board of Pharmacy for the State of Florida. She is the predominant owner of the Respondent, Dinorah Drug Store, and she was also the predominant owner and sole pharmacist of Dinorah Pharmacy until its dissolution in late 1992.

In June of 1991, the Office of the Auditor General for the State of Florida conducted an investigation of Dinorah Pharmacy and Ms. Abad regarding possible Medicaid fraud. The Regional Drug Inspector for the Department of Health and Rehabilitative Services informed the Office of the Auditor General that a large quantity of samples of non-controlled substances were found during a routine pharmacy inspection of Dinorah Pharmacy. Subsequent investigation revealed that Dinorah Pharmacy had dispensed sample medications to two Medicaid recipients and submitted claims to Medicaid for those samples. As a result, Dinorah Pharmacy had received \$162.40 from Medicaid for the sample medications that had been dispensed.

Dinorah Pharmacy and Ms. Abad were both individually charged with one felony count of Selling Samples or Complimentary Packages of Drug Products in violation of Florida Statute 465.015(2)(d). On June 4, 1992, Dinorah Pharmacy pled guilty to the above charge. However, pursuant to a Pre-Trial Intervention Agreement, Ms. Abad was not prosecuted. The Dinorah Pharmacy was dissolved as a business entity, and its DEA registration was retired. Effective March of 1993, the Department